

## IN 2020, INDONESIA IS FREE FROM CORRUPTION, AN IMPOSSIBLE MISSION?

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### INTRODUCTION

Each element of the nations with a high commitment to the realization of the great interest of Indonesia certainly has an idealism that in 2020 the condition of this country will be better than now, and it will also be a strong, clean and powerful country.

So far, Indonesia has still being stigmatized as a powerless country and even it is indicated as a failed country due to a large number of and various diseases that undermine it. There have been many diseases that have gnawed this country and that have gotten some places in making some porosity to the construction of Indonesia since hundreds of years or since the republic of Indonesia was proclaimed.<sup>1</sup>

Meanwhile, one of the the greatest interests of this country that has been idealized is to reduce a disease the scientists have thought to have a deep root in this country, corruption. If this abuse of power may be maximally reduced, the fundamental interests such as prosperity and education of egalitarianism may be realized.

Is it possible to bring the great interest of the nation into reality? Will this beloved Indonesia be free from corruption in 2020? Is it an impossible mission supposed that we have an ideal that Indonesia will be free from any corruption in the next three years?

### DISCUSSION

#### Corruption as an Extra Ordinary Crime

Corruption is one of serious and hideous crimes in Indonesia. It is not wrong if a group of scientists call the corruption to have entrenched in this country and to have been been a part that has sticky and latent in the construction of the life of this nation since as if in almost each line of life any types of illegal behaviours that may juridically be grouped into corruption is easily found.

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<sup>1</sup> Lukman Hakim, *Negara dalam Hegemoni Neokolonialisasi*, Mutiara Ilmu, Surabaya, 2015, p. 2

Romli Atmasasmita says that the “corruption” legal act in Indonesia is admitted as an “extra ordinary crime” and is the violation of the people’s social and economic rights. Corruption here is called an extra ordinary crime since this act is occurring massively and systemically. The word “extraordinary” mentioned in the Law on the Corruption Criminal Act is intended to punish the doers of this crime some additional punishments besides returning the corrupted money when the bill regarding this Criminal Act “Corruption” was made in 1999. Even, in the criminal act the word “prevention” is not mentioned at all although theoretically according to the experts in the field, the purpose of punishment is also to make some preventions.<sup>2</sup> Romi’s thought is understandable since any juridical products made is to clarify to this nation that corruption is a type of crime of which the doers shall be given special sanctions.

The doers of the corruption as a special crime may be under categorized into 4 (four) types of corruption that are developing among the society.

- 1) *Extortive corruption*. It is a corruption referring to a situation where one is perforced to bribe in order to get something or protection for one’s rights and needs. For example, a businessman or an element of a corporation deliberately bribes a certain official in order to obtain a business permit, or some protection to his business where the value may be from thousands to millions rupiahs.
- 2) *Manipulative corruption*. It is a corruption referring to one’s effort to influence a decision making or a government decision in order to obtain benefits as highly as possible. For example some gratifications are given to regents, governors, ministers and the like in order that any regulations they make may give benefits to the givers. The regulations in general may inflict some loss to the people in general.
- 3) *Nepotistic corruption*. It is a special treatment given to the family of officials in each echelon such as children, nephews and nieces, or close relatives where the treatment will result in some benefits to them.
- 4) *Subversive corruption*. It is a practice of theft or kleptocracy to the state wealth made by a state official by misusing of his authority or power.<sup>3</sup>

From the four types of corruption, the most prominent one is the fourth type, *the subversive corruption* as an extra ordinary crime. Almost every day, this kind of corruption

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<sup>2</sup> Andy Abdul Hamid, *Tindak Pidana Korupsi Di Indonesia Sebagai Kejahatan Luar Biasa*, <http://www.aktual.com/praktisi-tindak-pidana-korupsi-di-indonesia-sebagai-kejahatan-luar-biasa/>

<sup>3</sup> Deny Hidayat, *Korupsi sebagai Bahaya Latin Penghancur Sistem Perekonomian Negara*, <https://ekonome.id/2016/10/korupsi-sebagai-bahaya-laten-penghancur-sistem-perekonomian-negara/>

decorates the mass media: there is an official or anyone given mandate by the nation arrested by the apparatus because of corruption. Even the apparatus may also be taken for questioning by other apparatus because they make some conspiracy with corruptors.

### **A Portrait from Some Impacts from the Corruptors**

Corruptor is a type of elitist robbers that have inflicted on a great financial loss. Corruption that has massively spread in this country is “commonly” made by officials from the lowest level such as the official at RT (Neighbor Association) to those at the highest level. In 2011, for example, there were 436 cases of corruption involving 239 suspects with the loss potency of IDR 2.169 trillions. Interestingly, the backgrounds of corruptors are civil servants with the number of 239 persons, followed directors of private corporations, 190 persons, and members of local parliament/parliament, 99 persons.<sup>4</sup>

The impact of the loss is on the survival of the nation and the state. From the economic aspect for example, the impacts are as follows:

- 1) Corruption may reduce incomes from the public sector and increase the government's financing for the public sector. Corruption may also contribute to the high fiscal deficit, and also increase the income inequality since corruption results in some individual differences in certain positions to get some benefits from the government activities in the real cost the society bear.
- 2) Corruption may reduce the governments' ability in making some improvement of the present condition in the forms of regulations and controls of any market failure. When a policy is made under the strong influence of corruption, the enforcement of any regulations and policies for example in banking, education, food distribution and the like, will even boost some inefficiency.
- 3) Corruption distorts one's incentive because one should make use of any corruption opportunities instead of making use of some productive activities. This at last contributes to some negative added values.
- 4) Corruption becomes part of the welfare cost and this may increase the cost production, and then raise the cost that should be paid by consumers and the people (in the case of tax), so that as a whole this result in the decrease in the welfare of the people.
- 5) Corruption reduces the governments' fundamental roles (for instances the application and making of contracts, protections, giving the property rights and the like). At last this will give negative effects on the economic growth reached.

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<sup>4</sup> Bambang Satriya, *Negara Hukum Indonesia masih disimpang Jalan*, Nirmana Media, Jakarta, 2015, p. 45.

- 6) Corruption reduces some legitimacy from the market role in the economy, and also in the democracy process. These cases are very clear in developing countries that experience a transitional period from a centralistic economic type to a more open economic type, or from an authoritarian to a more democratic country as that happens to Indonesia.

From year to year, some economic losses due to corruption are calculated to occur, although the calculation is lower than the real fact. The losses are very spectacular in number. For instance during the first half of 2015, ICW monitored that there were 308 cases involving 590 suspects. The total potency of the loss reaches IDR 1.2 trillions and the bribery potency of IDR 457.3 billions.

From the cases, it is the attorney that mostly handles the case namely 211 with the loss potency of IDR 815 billions and the bribery potency of IDR 550 millions), followed by the police, 86 cases with the loss potential of IDR 310 millions and the bribery value of IDR 72 millions, and KPK (Komisi Pemberantasan Korupsi/Corruption Erradication Commission) with the potential loss of IDR 105 billions and the bribery potency of IDR 395 millions.

This condition shows that in a short time (half year of the ICW finding), corruptors have succeeded in exploiting the money of the nation in a spectacular amount. In years, this amount of the corrupted money belonging to the Indonesian state and Indonesian people must be very huge!

### **Being Proud of Collaborating with Corruptors**

Corruptors should be treated as the common enemy, since they have made the nation be chaos and the people trapped in a compilation of sufferings. Unfortunately, there are many strategic elements of the state, the people and the nation that are like to collaborate and to be the close “friends” with corruptors, although the elements have been mandated to destroy the corruptors.

The power of the syndication of corruptors may be seen from the revealed cases that they show their authority. They protect, save, and prosper one another. It is what has been warned by AM Rahman, a writer of an poetry anthology with the title of *Badai Serigala* (2006) with his sentences: “defend the corruptor, the country must be collapsed, defend the corruptor, the country must be neglected, defend the corruptors, the country must be burned, defend the corruptors, the country must be buried, defend the corruptors, the people must be smelted.”<sup>5</sup>

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<sup>5</sup>AM Rahman, *Badai Serigala*, Visipres, Surabaya, 2014, p. 24.

The description is actually a radical criticism to the elements of the state that actually have been given some mandates from the constitution that corruptors should become their greatest enemy that could be maximally and consistently fought, instead of making some friendship with them.

Unfortunately, some apparatus of the law enforcers, that should fights against them, even are assumed to collaborate with the corruptors, by among others “spoiling” them in giving lenient punishments.

In the law enforcement, the treatment of “spoiling” may be seen from the disparity of the verdicts between the defendants of the corruption and other cases. In a research made by Indonesia Corruption Watch (ICW) in three justice institutions, the corruption criminal act court, the court at the second instance (pengadilan tinggi), and the Supreme Court, it is stated that there were about 384 verdicts during the semester in the half year of 2016 of which 375 defendants or 71.6% were given relatively lenient punishments from one to four years in jails. The rest, 46 defendants were released, 37 defendants, were given mild punishment, 19 defendants were uncertain, and 7 defendants, heavy punishment. The total of the loss from the corruption is USD\$19.7 millions. It seems that the trend of this lenient punishment is made as a jurisprudence of the judges in Indonesia. The ICW data for examples show that in 2013 the average punishment of the defendants of corruption is 11 months, in 2014, 2 years and eight months, in 2015, 2 years ad 2 months while in the last semester of 2016, 2 years and one month.<sup>6</sup>

Before making friends with corruptors, the apparatus of the law enforcers given the constitutional mandate to do a *jihad* mission against the corruptors have promised that they would destroy or clean any forms of corruptions in this beloved land. It is a pity that after the pillar of the state is dealing with and making close friends with corruptors, they then lose their spirit of independence and their “holly voice” and even they strengthen their symbiosis mutualism principle in giving some rooms to the corruptors and the candidates of corruptors to formulize and apply some tricks in reducing and degrading the juridical norm sanctity.

Any element of this nation, especially its main element that still has a clear or smart thought certainly admits that corruption is a very serious crime, a cancer disease that may potentially smash and bury this country. Anyone who thinks that corruption is of no importance, or who ignores the corruption or underestimates the “terrorists” of the people’s money means that they have handed the fate of the people over their “gallows”.

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<sup>6</sup> Ispan Dian Fauzi, *Memanjakan Sang Koruptor*, <http://rubik.okezone.com/read/38341/memanjakan-sang-koruptor>

The more appalling “terrorist” may be read in Juwita W’s (2012) writing, stating that corruption in congregation is the severest level of corruption since it is systemic in nature, from the highest to the lowest level. This kind of corruption actually not merely happen in Indonesia but also in developing countries with bad legal systems. Corruption in congregation has caused the two-sided budget fall: incomes and expenditures. The example of the corruption in congregation in terms of the incomes side is the corruption made by the tax officers, while in terms of the expenditures, the marking up of the infrastructures projects.<sup>7</sup>

Power is a magnet that may make someone or a group of people who hold it worship it or utilise it as a ‘basket’ to collect benefits as much as possible. The power one holds serves as an umbrella” to protect various kinds of structural deviations, but the rights of the people are fully manipulated.

The condition of the people may be fatalistic and ironistic, since those complacent with the idolatry of the abuse of power practice are the power elites in legislative, executive and judicative institutions. It is they who are really given the trust to be the main pillar, but fortunately it is they who give the priority of corruption. The positions mandated to them contain various public rights that should be given the top priority in the enforcement.

The logic of the pathetic fate of the people in various socio-geographic marginal areas or zones is that they have not been taught by any power movement that unearths the mandates. They are let as the country children be fully fed with promises and dreams, instead of with a real society-based budget realization. The criminalization of ‘the leather horses’ with the players of those holding wet positions has made the real possessor of the sovereignty “languish” and it is still possible that the leather horses will always become the object and the victim.

The seedlings of the corruption or the grip of the corruptors syndication in this country indicate that we are still losing in fighting against the corruptors or we have not placed corruptors as the absolute enemy. Powerful corruptors cause the state elites, including the law apparatus, to be trapped in a “half-hearted” politic to destroy or to fight against them.

The elite segment of the “white collar crime” is directly given some looseness or liberality to appear to be more more progressive, to be more brave, to be smarter, to be more organized or to more absolute in spreading and fertilizing their crimes. It should be admitted that some of them have been trapped and punished some years in jail, but “one falls and a

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<sup>7</sup> Herman Sulaksana, *Korupsi dan Kacamata Kuda Bernegara*, ICF, Malang, 15 December 2014, p. 1

thousand spring up”. As a result the corruption is still spreading since it is still powerful due to the spoiling politic to protect and even to justify it. This condition shows that there is a nihilism consistency in defending or unearthing the moral, religious and juridical resistances over the corruptors.

### **The Battle of Bubat Against Corruption**

The acts the corruptors make should not be tolerated. The mode adopted to fight against corruptors should be the battle of Bubat or the muzzling model by mobilizing all efforts and capabilities to fight against them. No words of “relaxed”, “postponing, or “half-hearted” for corruption are to pronounce, especially among legal enforcers such as police, attorney,<sup>8</sup> and judiciary possessing strategic roles in coping with any corruption, especially KPK (Corruption Eradication Commission) that has a specific authority to supervise, besides the authorities to examine or to sue like the police and the attorney. The authority to supervise is merely possessed by KPK to make some supervisions, and examinations and also to take over an examination or prosecution to the doers of corruption that is being handled by the police or the attorney. The right to supervise is explicitly stated in the Article 8, Verse 1 of the Law no. 30 year of 2002 regarding *Komisi Pemberantasan Korupsi*” (Corruption Eradication Commission).<sup>9</sup>

Mahatma Gandhi once left a message: *“You may never know what results come of your action, but if you do nothing there will be no”*. From the statement it can be stated that it is impossible to know results from any efforts that have been made, but if nothing is done, it is impossible to get any results.<sup>10</sup> This message actually reminds each person or those occupying any strategic positions not to easily give up facing any challenges, but doing the best to bear a history either for oneself or the society and the nation.

The key word in the message is “effort” or the realization of “performance, asking each person in the earth, especially those with moral and religious capabilities, and other singularities to work hard to create an atmosphere that may enlighten the people in order to make a great change of especially the condition that just give some burdens to the society. If

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<sup>8</sup> The authority of the attorney to make some examinations is stated in the Law no. 16 year of 2004 regarding the Attorney of the Republic of Indonesia. Based on the article 30 of the law on the Attorney, the attorney has an authority to examine certain criminal acts based on the law. One of the authorities is the corruption criminal acts. See in Evi Hartanti, *Tindak Pidana Korupsi*, Sinar Grafika, Jakarta, 2005, p. 39.

<sup>9</sup> Chaerudin, Syaiful Ahmad Dinar, Syarif Fadilah, *Strategi Pencegahan & Penegakan Hukum Tindak Pidana Korupsi*, Rifka Aditama, Bandung, 2008, p. 22.

<sup>10</sup> Lukman Hakim, *Op.Cit*, p. 1.



no persistence to fight the disease, it means that the body is let be destroyed by the disease. The slogan and affectation of corruption openly packaged with the symbiosis-mutualism politicization to make Indonesia clean from any corruption are certainly an impossible mission.

The maximum effort may be identical with the “battle of Bubat” or a complete resistance to corruptors. Their act should not be “tolerated” or even be “supported”. Corruption in this country is really “unearthing” so that to defeat it, a war with full totality should be made. But remember that there are many wet holes that may be made use of by anyone who is trying to design oneself to become the “seed” of a professional corruptor.

Each element of this state may activate oneself in the theoretical discourse on the meaning of the abuse of power and the meaning of the structural misuse and its elements and the features of corruption, but this strengthening of idea is not enough to fight against this spreading corruption.

What is needed to colour the journey of this nation to the 2020 is the *das sein* field containing the continuous and smouldering war against the “collar criminals”. The problem is that whether we really make the practice of the abuse of power or the position malpractice be the object of the battle of Bubat!

Another question that requires an answer is as follows: are the abusers of power still considered as “close” friends to enrich or to improve ones’ wealth? Isn’t the achievement level of corruption in this country still higher than that of other countries with spectacular corruption? Don’t we still like the practices of the power administration that is full of viruses that facilitate any corruptive acts, instead of closing any holes that necessitate any corruptions?

The criticism is caused by the fact that it is easy to find out a number of modes of the power abuses that are often systematically and integratedly “renewed” and “mixed”.

It can be guessed that the corruption is evenly distributed in the strategic institutions of the nation. Those who are trusted to manage the money in the institutions misuse it, instead of protecting it.

Lembaga Kebijakan Pengadaan Barang dan Jasa Pemerintah (LKPP) for example reports that the procurement of goods and services is the source of corruption made by the government employees. The amount of money corrupted reaches IDR 400 trillions. The amount is the total expenses of the government coming from the 2010 State Budget.<sup>11</sup> This

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<sup>11</sup>Idam Chalid, *Berani Mati Melawan Korupsi*, Forum Riset Kebangsaan, Malang, 15 December 2014, p. 2.



opportunity was known in 2010, so that the condition of the next year is appalling. If a positive change happens, the change is not significant yet. Therefore, the war against corruptors is very serious....!

This shows that the power abusers in this country never lose of their smartness in applying the cultivated and structured tricks effective to produce any rooms of corruption of money coming from either the local or national budgets.

The application of the tricks with the cultivated and structured mode is part of the grand strategies of the corruptors in defeating each battle of Bubad made by warriors of anti corruption. Those who are used to living with the frame of the corruption tricks certainly do want their glory and wealth coming from their corruptions to be touched upon and even to be eliminated. They want their corruption to be imperishable or to reach the absolutism sphere.

The corruption warriors' ethical and juridical awareness and prophetic religiosity and also intellectuality smartness are the main capital in the battle of Bubad in order to defeat anyone or a groups of the power abusers. This awareness is shown in the form of one's empowerment and progressivity not to be teased or even trapped in the political and economic vicious cycle constructed by corruptors. Moreover the warriors should continually put on the way of actions to all social levels to make corruptor as the main killers of this nation.

## CONCLUSION

An acute disease called corruption suffered by this nation is a test for this nation, whether this nation surrenders to be defeated by corruptors or it tries to fight against them totally. Corruptors are still superiors, although specific commissions have been established, since corruptors still believe that the apparatus supporting the commissions may be tempted or may be asked to play with laws.

The superiority of corruptors is the challenge to all elements of this nation to defeat them. Each element of this nation should not keep silent or even let all types and forms of corruptions. We should try and try to eradicate them and to say that they are intolerable!

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